Williamson County Illinois Historical Society
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Common Law—Circuit Court
Case No. 1865–CL–030 Appeal
George Ellis vs. Youngkin, John H.

List of Documents:

1. Filed Aug. 24, 1864 Cover Page Ellis vs Younkin, J.M. Cunningham, Clerk
2. January 18th, 1865, Summons for Plaintiff and Defendant for Trial on January 26, 1865, W.L. Howell, J.P.
3. January 18th, 1865, Summons for witnesses for Trial on January 26, 1865, W.L. Howell, J.P.
4. January 18th, 1865, Jury Warrant
5. January 21, 1865, Summons for witnesses for Trial on January 26, 1865, W.L. Howell, J.P.
6. January 21, 1865, Summons for Wm. H. Younkin for Trial on January 26, 1865, W.L. Howell, J.P.
7. January 26, 1865, Jury Verdict in favor of Plaintiff for $44.05 plus cost of trial
8. Feb. 11, 1865, Appeal Bond, Obligation for $96, cosigned by William S. Cannon
9. Feb. 15, 1865, Transcript and Judgment, W.L. Howell, Justice of the Peace
10. Aug. 24, 1865, Affidavit to J.M. Cunningham, Clerk, asking for rescheduling of trial, 2 pages
11. March 13, 1866, Subpoena for J.M. Richard for trial on March 27, 1866
12. March 26, 1866, Subpoena to summon Moody Richard for trial on 4th Monday of March 1866
13. March 26, 1866, Subpoena to summon W.L. Cannon, M.J. Crain & Teri Warren for trial on 4th Monday of March 1866
14. March 27, 1866, Subpoena to summon witness George W. Felts
15. March 30, 1866, Subpoena for witnesses
16. Aug. 8, 1866, Subpoena to summon George Felts for trial on Aug. 20, 1866
17. Aug. 18, 1866, No. 6, Summons for witnesses
18. Aug. 19th, 1866, Summons for witness Moody Richard for trial on Aug. 20, 1866
19. Aug. 20, 1866, Subpoena for witness George W. Felts
20. Dec. 8, 1866, Special Term, Summons for witnesses M.J. Crain, W.S. Cannon
21. Dec. 3, 1866, Summons for witnesses M.M. Crain, W.S. Cannon
22. March 26, 1867, Summons for George Felts for trial on March 28th, 1867
23. March 26, 1867, Summons for Moody Richard, William Cannon & M.J. Crane for trial on March 28th, 1867
24. March 29, 1867, Appeal No. 4, Subpoena for witnesses
25. April 2, 1867, Affidavit of witness M. J. Crain for travel of 8 miles

26 April 2, 1867, Affidavit of witness William S. Cannon for travel of 8 miles

Elles
vs
Plaintiff

Filed Aug 24
1864
J M Cunningham
Clk

50 J H Owen
20 Hayes
140 W. Thompson
460 R Mallen
170 G Wisney
5.40 By J V Fagley

State of Illinois } The people of the State
Williamson County } of Illinois to any Constable
of said County Greeting you are hereby commanded
to summon
William Younkin George Brack Wm S. Cannon
M. S. Crain James Morgan Levi Warren
to appear before me at my office on the 26th day
of January 1865 at 12 oclock A.M to testify
and the truth to speak wherein a matter
in Suit wherein George W. Ellis is plantiff
and John H. Younkin is Defendant and
this you are not to omit under the penalty
of the Law given under my hand and
Seal this the 21st day of January 1865

W. L. Howell J.P.

January 26th A.D. 1865
John H. Youngkin Dr balance
on crop of Cotton Fourty Four
Dollars and Twenty five Cents
G. W. Ellis

AFFIDAVIT OF WITNESS.

.....CIRCUIT COURT.

AFFIDAVIT OF

.....

Witness at the instance of the.....

.....
.....} Pl'ff.

vs.

.....
.....} Def't.

Filed in Circuit Court this .....

day of .....

A. D. 186 .

.....CLERK.

AFFIDAVIT OF WITNESS.

.....CIRCUIT COURT.

AFFIDAVIT OF

.....

Witness at the instance of the.....

.....
.....} Pl'ff.

vs.

.....
.....} Def't.

Filed in Circuit Court this .....

day of .....

A D. 186 .

.....CLERK.

No. 1

SUMMONS.

G. W. Ellis

vs.

J. W. Granner

Demand, $ 50.00

Costs, $ 4.5

Total, $

Served by reading to the within named Defendant John W. Granner

this 21 day of January, 1865

Service, $ 25

Mileage, $ 25

D. P. Sanders CONSTABLE.

Culver, Page & Hoyne, Stationers, Chicago.

AFFIDAVIT OF WITNESS.

STATE OF ILLINOIS, } SS.
Williamson COUNTY.

No.

In Circuit Court, March Term, 1867

M J Crain being duly sworn, deposeth and saith that he attended said Court as a witness Eight days at this Term Term, in a case between G W Ellis John H Yonkin vs Plaintiff and G W Ellis is Defendant, at the instance of J H Yonkin resides in Williamson and has traveled 8 miles.

Sworn to and subscribed before me this 8 day of April A. D. 1867

Clerk. M J Crain

Culver, Page & Hoyne, Stationers, Chicago.

AFFIDAVIT OF WITNESS.

STATE OF ILLINOIS, } SS.
Williamson COUNTY.

No.

In Circuit Court, March Term, 1867

William S Common being duly sworn, deposeth and saith that he attended said Court as a witness Seven days at this March Term, in a case between John H Yonkin vs Plaintiff and ~~John~~ George W Ellis vs Denfendant, at the instance of J H Yonkin resides in Williamson and has traveled Nine miles.

Sworn to and subscribed before me this Second day of April A. D. 1867

Clerk. William S Common

Culver, Page & Hoyne, Stationers, Chicago.

SUMMONS.—Culver, Page & Hoyne, Stationers, 128 and 130 Lake Street, Chicago.

STATE OF ILLINOIS, } SS.
Williamson COUNTY.

The People of the State of Illinois, to any Constable of said County,—GREETING:

You are hereby commanded to SUMMON John H. Yonkin

to appear before me at my office in Said County on the 26 day of January A. D. 1865, at 12 o'clock, A. M., to answer the complaint of George W. Ellis

for a failure to pay Sum a certain sum not exceeding one hundred dollars; and hereof make due return as the law directs.

Given under my hand and seal, this 21 day day of January A. D. 1865

W. L. Howell Jr SEAL.

JUSTICE OF THE PEACE.

No 4

Appeal case

SUBPŒNA.

WILLIAMSON CIRCUIT COURT

In the matter of

G. W. Ellis

VS.

C. T. Crane et al Adm

Summons.....

.....Term, 186

STATE OF ILLINOIS, } ss.
WILLIAMSON COUNTY, }

.....

the within named witness

.....SHERIFF.

FEES—Service,

Mileage,

Return,

Filed in Circuit Court, this
day of
A. D. 186

.....CLERK.

.....ATTORNEY.

Subpœna for Witness

Appeal

No 4

SUBPŒNA.

WILLIAMSON CIRCUIT COURT

In the matter of

Ellis

VS.

Gossglin

Summons.....

.....Term, 186

STATE OF ILLINOIS, } ss.
WILLIAMSON COUNTY, }

Served by leaving Read b

on the within the within named witness Jackson Com

Thomas R. Marshall SHERIFF.

FEES—Service,

Mileage,

Return,

Filed in Circuit Court, this
29th day of March
A. D. 186

J. M. Cunningham CLERK.

.....ATTORNEY.

STATE OF ILLINOIS, } SS.
WILLIAMSON COUNTY,

The People of the State of Illinois, to the Sheriff of ~~Williamson~~ "Jackson" County—GREETING:

WE COMMAND YOU TO SUMMON George Fields

to appear before our Circuit Court on the fifth day of the term thereof, to be held at Marion within and for the said county of Williamson, on the 28th day of March 1867 then and there, in our said Court, to testify and give evidence on behalf of the Plaintiff in a certain cause to be heard and tried, wherein Geo W Ellis is plaintiff and John H Youngkin is Deft. Hereof fail not, and make due return of your doings hereon.

Witness, JOHN M. CUNNINGHAM, Clerk of our said Court, and the Seal thereof, at Marion, this 26th day of March in the year of our Lord one thousand eight hundred and sixty seven

J M Cunningham Clerk.

STATE OF ILLINOIS, } SS.
WILLIAMSON COUNTY,

The People of the State of Illinois, to the Sheriff of Williamson County—GREETING:

WE COMMAND YOU TO SUMMON Moody Ritchie William Cannon & M. J. Crane

to appear before our Circuit Court on the fifth day of the term thereof, to be held at Marion within and for the said county of Williamson, on the 28th day of March 1867 then and there, in our said Court, to testify and give evidence on behalf of the Defendants in a certain cause to be heard and tried, wherein G. W. Ellis is plaintiff and C. T. Crane et al John H. Youngkin deceased, defendants Administrator of the Estate of Hereof fail not, and make due return of your doings hereon.

Witness, JOHN M. CUNNINGHAM, Clerk of our said Court, and the Seal thereof, at Marion, this 26 day of March in the year of our Lord one thousand eight hundred and sixty Seven

J M Cunningham Clerk.

6

SUBPŒNA.

WILLIAMSON CIRCUIT COURT.

In the matter of

Adjerp Ellis

VS.

Adm of Young

Dec

Summons

Special Term, 186 6

STATE OF ILLINOIS, } ss.
WILLIAMSON COUNTY,

I have served the within Summons by reading to the within named witness.

W I Crain
W S Cannon

SHERIFF.

FEES—Service, 50
Mileage 100
Return, 20

Filed in Circuit Court, this 17 day of Dec A. D. 186 6

J M Cunningham CLERK.

ATTORNEY.

Served by J W Taylor
Deputy

No 6

SUBPŒNA.

WILLIAMSON CIRCUIT COURT.

In the matter of

Geo W Ellis

VS.

J H Springstein

Summons

Ref Term, 186 6

STATE OF ILLINOIS, } ss.
Williamson County.

I served the within reading the same to J H Reshaw on this 20 day Aug th 16 1866 the within named witness.

Jas C Thompson Sheriff of Jackson County

SHERIFF.

FEES—Service, 50
Mileage, 80
Return, 10

Filed in Circuit Court, this 18 day of Nov A. D. 186 6

J M Cunningham CLERK.

ATTORNEY.

State of Illinois Williamson County ss

SUBPŒNA. Emery & Andrews, Printers and Blank Book Manufacturers, Peoria.

The People of the State of Illinois.

To the Sheriff of ~~Williamson~~ Jackson County, Greeting:

WE COMMAND YOU TO SUMMON Moody Richard

to appear before our Circuit Court on the First day of the term thereof, to be held at Marion within and for the said County of Williamson, on the 20th day of Aug 1861 then and there, in our said Court, to testify and give evidence on behalf of the Defendants in a certain cause to be heard and tried, wherein George W Ellis plaintiff and J H Youngblood defendant. Hereof fail not, and make due return of your doings hereon.

WITNESS, JOHN M. CUNNINGHAM, Clerk of our said Court, and the Seal thereof, at Marion, this 15th day of Aug in the year of our Lord one thousand eight hundred and sixty 61

Jno M Cunningham
Clerk.

STATE OF ILLINOIS, } SS.
WILLIAMSON COUNTY,

The People of the State of Illinois, to the Sheriff of Williamson County, GREETING:

WE COMMAND YOU TO SUMMON Mary J Lewis
W S Hanson

to appear before our Circuit Court on the 3 *day of the term thereof, to be be held at Marion within and for the said county of Williamson, on the* 3 *day of* Dec 1861 *then and there, in our said Court, to testify and give evidence on behalf of the* Defendants *in a certain cause to be heard and tried, wherein* George Ellis *plaintiff and* the admr of J H Youngblood *defendant* S *Hereof fail not, and make due return of your doings hereon.*

Witness, *JOHN M. CUNNINGHAM, Clerk of our said Court, and the Seal thereof, at Marion, this* 3 *day of* Decemb *in the year of our Lord one thousand eight hundred and sixty* 61

J M Cunningham
Clerk.

SUBPŒNA.

WILLIAMSON CIRCUIT COURT.

In the matter of

J M Gangkin

vs.

G W Ellis

Summons

March Term, 1866

STATE OF ILLINOIS, } ss.
Williamson County.

Served by reading to

J. M. Richard

the within named witness.

This 27th day of March 1866

W. J. Hynes Const ~~Sheriff.~~

FEES—Service, 20 cents

Mileage,

Return,

Filed in Circuit Court, this day

of March A. D. 1866

Jno C Murphy Clerk.

Attorney.

No 6

SUBPŒNA.

WILLIAMSON CIRCUIT COURT.

In the matter of

George W Ellis

vs.

Jno M Gangkin

Summons

August Term, 1866

STATE OF ILLINOIS, } ss.
Williamson County.

Served by reading

to George W Ellis

the within named witness.

J. H. Owen
Cons. Jackson County

Sheriff.

FEES—Service, 50

Mileage,

Return,

Filed in Circuit Court, this 20th day

of Aug A. D. 1866

J M Cunningham Clerk.

Attorney.

SUBPŒNA.—Emery & Andrews, Printers and Blank Book Manufacturers, Peoria.

The People of the State of Illinois,

To the Sheriff of ~~Williamson~~ Jackson County, Greeting:

WE COMMAND YOU TO SUMMON George H. Ellis

to appear before our Circuit Court on the First day of the term thereof, to be held at Marion within and for the said County of Williamson, on the 20th day of Aug 1866 then and there, in our said Court, to testify and give evidence on behalf of the Plaintiff in a certain cause to be heard and tried, wherein George W. Ellis plaintiff and John H. Youngblin defendant. Hereof fail not, and make due return of your doings hereon.

WITNESS, JOHN M. CUNNINGHAM, Clerk of our said Court, and the Seal thereof, at Marion, this 8th day of August in the year of our Lord one thousand eight hundred and sixty six

Jno M Cunningham
Clerk.

SUBPŒNA.—Emery & Andrews, Printers and Blank Book Manufacturers, Peoria.

The People of the State of Illinois,

To the Sheriff of ~~Williamson~~ Jackson County, Greeting:

WE COMMAND YOU TO SUMMON Moody Richart

to appear before our Circuit Court on the Third day of the term thereof, to be held at Marion within and for the said County of Williamson, on the 4th Mon day of March then and there, in our said Court, to testify and give evidence on behalf of the Defendant in a certain cause to be heard and tried, wherein ~~John H. Youngblin~~ George W. Ellis plaintiff and John H. Youngblin defendant. Hereof fail not, and make due return of your doings hereon.

WITNESS, JOHN M. CUNNINGHAM, Clerk of our said Court, and the Seal thereof, at Marion, this 26th day of March in the year of our Lord one thousand eight hundred and sixty six

J M Cunningham
By J W Samuels Dep
Clerk.

SUBPŒNA.

WILLIAMSON CIRCUIT COURT.

In the matter of

J H Jaughlin

vs.

George W Ellis

Summons

Term, 186

STATE OF ILLINOIS, } ss.
Williamson County.

I return the within
Served by reading to
the within named witness.

March 30th 1866

R M Allen SHERIFF.
By George Chandler Dep

FEES—Service, 1 50
Mileage, 3 00
Return, 10
4 60

Filed in Circuit Court this 30 day
of March A. D. 186 6

J M Cunningham CLERK.

ATTORNEY.

SUBPŒNA.

WILLIAMSON CIRCUIT COURT.

In the matter of

G W Ellis

vs.

J H. Jaughlord

Summons

March Term, 186 6

STATE OF ILLINOIS, } ss.
Williamson County.

I Return the written
Service by Reading to
the within named witness. G W Ellis

J W Weaver
Constable

SHERIFF.

FEES—Service, 25 cts paid
Mileage,
Return,

Filed in Circuit Court, this day
of A. D. 186

CLERK.

ATTORNEY.

State of Illinois } On this 24th day of August A.D.
Williamson County } 1865 before me John M Cunningham Clerk of the Circuit Court for the County Aforesaid personally appeared James M. Washburn who being duly sworn according to law States that he was employed as well as he remembers on last Tuesday as Counsel for the plaintiff in the Case of G W. Ellis, Vs. John H Yountkin Appeal that said Ellis informed him then & there that there had been no notice of the Appeal served on him and no appearance entered for him. And he wished to know if he could get a trial at this Term of the Court. Affiant not supposing that the Appeal had been taken at the Justice's Office Unhesitatingly advised said plaintiff that he could not get a trial at this Term of the Court. That all he could do was to have his appearance entered at this term and the Cause would necessarily be continued till next Term. Whereupon said plaintiff went

SUBPŒNA.—Emery & Andrews, Printers and Blank Book Manufacturers, Peoria.

The People of the State of Illinois,

To the Sheriff of ~~Williamson~~ Jackson County, Greeting:

WE COMMAND YOU TO SUMMON George W Felts

to appear before our Circuit Court on the 3 day of the term thereof, to be held at Marion within and for the said County of Williamson, on the 26 day of March then and there, in our said Court, to testify and give evidence on behalf of the George W Ellis in a certain cause to be heard and tried, wherein George W Ellis v. plaintiff and John D. Gountanes defendant. Hereof fail not, and make due return of your doings hereon.

WITNESS, JOHN M. CUNNINGHAM, Clerk of our said Court, and the Seal thereof, at Marion, this 27 day of March in the year of our Lord one thousand eight hundred and sixty six

J M Cunningham Clerk.

SUBPŒNA.—Emery & Andrews, Printers and Blank Book Manufacturers, Peoria.

The People of the State of Illinois,

To the Sheriff of Williamson County, Greeting:

WE COMMAND YOU TO SUMMON W. S. Cannon, W. J. Cram, T. Lenio Warren,

to appear before our Circuit Court on the Third day of the term thereof, to be held at Marion within and for the said County of Williamson, on the 26th day of March then and there, in our said Court, to testify and give evidence on behalf of the Defendant in a certain cause to be heard and tried, wherein J. H. Youngkin's Admr plaintiff and George W Ellis defendant. Hereof fail not, and make due return of your doings hereon.

WITNESS, JOHN M. CUNNINGHAM, Clerk of our said Court, and the Seal thereof, at Marion, this 26th day of March in the year of our Lord one thousand eight hundred and sixty six

J M Cunningham
By J W Saunders Dep Clerk.

home. and has not been attending Court since to the knowledge of Affiant. Said plaintiff Affiant believes resides some twelve miles from the Court house. Affiant further states that said plaintiff recovered a judgment in the Justices Court for the sum of forty four Dollars and five cents which judgment Affiant fully believes from all the information he has — is a righteous Order and on a fair trial in the Circuit Court will be confirmed. Affiant further states that he believes said plaintiff will be ready for trial at the next Term of your Honorable Court as he would have been ready at this Term but for the fact that he was informed that under the law he could not get a trial at this Term and therefore thought it would incur useless cost, and loss of time to remain here. This Affidavit is not made for delay, (as Affiant believes his Client is suffering much more injustice by delay of judgment than the defendant) but that justice may be done to the parties in this suit. James M Washburn

Sworn to and subscribed before me this day and year ~~before~~ written

J M Cunningham Clk

[APPEAL BOND.]

Know all Men by these Presents, That we John H. Youngkin

and William S. Cannon are held and firmly bound unto George W. Ellis in the penal sum of ninty Six dollars, lawful money of the United States, for the payment of which, well and truly be made, we bind ourselves, our heirs and administrators, jointly, severally and firmly, by these presents.

Witness, our hands and seals, this The 11th *day of* Feb 1865.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH:

That whereas, the said George W. Ellis did, on the 11th day of February A. D., 1865, before W. L. Howell a Justice of the Peace, for the county of Williamson, recover a judgment against the above bounded John H. Youngkin et for the sum of forty four an 5 dollars; from which judgment the said John H. Youngkin has taken an appeal to the Circuit Court of the county of Williamson, aforesaid, and State of Illinois.

Now if the said John H. Youngkin shall prosecute his appeal with effect, and shall pay whatever judgement may be rendered by the court, upon dismissal or trial of said appeal, the above obligation to be void, otherwise to remain in full force and effect.

John H. Youngkin (SEAL)

William S. Cannon (SEAL)

(SEAL)

Approved by me at my office, this The 11th *day of* Feb 1865.

W. L. Howell, Clerk. J.P.

"Democratic Organ" Print, Marion, Ill.

Summons Issued in assumpset for damage and put in the hands of D. S. Sanders constable set for trial the 26th day of January 1865 at 12 o'clock A M this the 21 day January 1865

W. L. Howell Jp

George W. Ellis
vs
John H. Younkin

Demand	$50,00
Ffees on summons	45
do on jury warrant	45
do on subpena	45
do qualifying jury	30
do qualifying witness	25
do Entering judgment of verdict of jury	25
do transcript of Docket	50
	2,85
Constable fees on summons	50
do jury warrant	75
	125

Jury fees paid

Jury Issued by order of the plantiff & put in the hands of D S Sanders Ctte
Subpena Issued by order of the Defandant
Summons Returned by D. S. Sanders constable served jury warrant Returned Served and the parties met Redy for trial and the jury panald and after hering the testimoney the jury brought in a verdict for the plantiff to have judgment against the Defandant for $44,05 Debt & cost of Suit
Therefore judgment is Entered against the Defandant for $44,05 Debt & cost of Suit This the 11th day of Feb 1865

W. L. Howell Jp

State of Illinois
Williamson County } I W. L. Howell one of the justice of peace within and for said County do here by certify that the aforegoing transcript and judgment of George W. Ellis vs John H. Younkin is truly copied from the files and Books of my office givin under my hand and seal this the 15 day of Feb 1865

W. L. Howell Jp (Seal)

We give our verdict in favor of the Plantif for forty four Dollars & 5 cents Damys & cost of suit

Wilkinson Barringer
David Crage
Samuel Miller
James S Chilton
Eli Mefstutter
Benjamin J. Baker
Juers

D. S Sanders C.V.C

State of Illinois } The People of the
Williamson County } State of Illinois
to any constable of said county Greeting

you are hereby commanded to summon Sixty good & lawfull men of your County to appear Before the at my office on the 26 day of January 1865 to strike a Jury in a certain cause then & there pending in which G. W. Ellis is plantif & John H. Yonkin is Defendant the said parties have put themselves in pursuance of law upon the country for trial given under my hand & seal this January the 18. 1865

W. L Howell J.P

Verdict of jury

Jury warrant
G. W. Ellis
vs
John H. Yonkins
Appeal 45

W. Barringer
B. J. Baker
~~James Collin~~
James Childers
~~Jesse Collen~~
Samuel Miller
David Cragg
E. Scruggs
Service 50
on jury 25

J. S. Sandy
Const